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DEPARTMENT OF PUBLIC WORKS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director, D.C. Department of Public Works, pursuant to the authority set forth in section 2(c) of the District of Columbia Solid Waste Disposal Act of 1989, effective July 15, 1989 (D.C. Law 8-16; 36 DCR 4155), as amended by the "Solid Waste Disposal Fee Emergency Amendment Act of 2006, effective June 26, 2006 (D.C. Act 16-407)", and Mayor's Order 2005-123, dated August 23, 2005, hereby gives notice of the adoption on an emergency basis of the following rules to amend Chapter 7 of Title 21 DCMR, "Water and Sanitation" by amending the fees for the disposal of solid waste at the District's waste-handling facilities.

This emergency action is based on an increase in the cost that the District must pay for the disposal of solid waste delivered to its solid waste transfer facilities and is taken to permit the District to pass this cost on to customers of the solid waste-handling facilities. Without this action, the District will be unable to recoup this increased cost and District of Columbia taxpayers will be forced to subsidize private waste hauling companies delivering solid waste to the waste-handling facilities for transfer and disposal. This emergency rule was adopted on July 17, 2006, and became effective immediately on that date.

The Director also gives notice of intent to take final rulemaking action to adopt this amendment in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The emergency rule will expire on November 8, 2006, or upon publication of a Notice of Final Rulemaking in the Register, whichever occurs first.

Chapter 7 of Title 21, DCMR, is amended as follows:

Section 720.5 is amended to read as follows:

720.5. Beginning on July 17, 2006, the applicable fees for the disposal of construction and demolition debris at the waste-handling facilities shall be seventy-nine dollars and twenty cents (\$79.20) for each ton disposed; Provided, that a minimum fee of thirty-nine dollars and sixty cents (\$39.60) shall be imposed on each load weighing one thousand pounds (1,000 lbs.) or less.

Section 720.8 is amended to read as follows:

720.8 Beginning on July 17, 2006, the applicable fees for the disposal of each ton of solid waste at the waste-handling facilities, excluding those wastes specified in § 720.5, 720.6, and 720.7, shall be fifty-nine dollars and twenty cents (\$59.20) for each ton disposed; provided, that a minimum fee of twenty-nine dollars and sixty cents (\$29.60) shall be imposed on each load weighing one-thousand pounds (1,000 lbs.) or less.

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All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with Christine V. Davis, General Counsel, Department of Public Works, 2000 14th Street, N.W., 6th Floor, Washington, D.C. 20009. Copies of this proposal are available, at cost, by writing to the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF EMERGENCY RULEMAKING**

Case No. 06-06

(Text Amendments – Charter Schools)

June 12, 2006

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2001 ed.)), and the authority set forth in section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), hereby gives notice of the re-adoption, on an emergency basis, of amendments to §§ 199.1, 400.10, 400.11, 401.3, 401.8, 403.1 of the Zoning Regulations (DCMR, Title 11).

The amendments modify the definition of “School, public” in the Zoning Regulations to include schools chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board. The amendments also increase area requirements that apply to all public schools in Residence Districts.

The Commission takes this emergency action because the Zoning Administrator received several building permit applications for Charter Schools, but cannot process the applications because Charter Schools do not fit within the definition of “Schools, public” (which only pertains to buildings “operated and maintained by the District of Columbia Board of Education”), and the Zoning Regulations do not recognize Charter Schools as a distinct use classification. Immediate action is required to remove this ambiguity, and permit construction these new Charter Schools by the start of the next school year. Because the immediate proliferation of Charter Schools in Residence Districts has the potential for adverse impacts, the emergency action also includes amendments to the area provisions that govern public schools in Residence Districts.

The rules in this emergency rulemaking are identical to those adopted by the Commission on February 13, 2006, and published in the March 17, 2006 edition of the D.C. Register (53 DCR 2017). The Commission re-adopts the emergency rules because it did not have enough time to complete its permanent rulemaking process before the emergency rules expired on June 13, 2006. On May 11, 2006, the Commission held a public hearing on the proposed permanent version of these rules, and intends to take proposed action to adopt permanent regulations at its July 10, 2006 public meeting.

These emergency rules were adopted on June 12, 2006, and became effective on that date.

The emergency rules will expire on October 10, 2006, which is the 120th day after the adoption of the rule, or upon the publication of a Notice of Final Rulemaking in the *Register*, whichever occurs first.

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Title 11 (DCMR) is amended as follows (additions to the text are underlined, deletions are ~~struck through~~):

A. Chapter 1, THE ZONING REGULATIONS, § 199.1, is amended as follows:

School, public - A building or use within a building operated ~~and maintained or~~ chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational purposes and other such community uses as deemed necessary and desirable.

B. Chapter 4, RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS, is amended as follows:

1. By amending §§ 400.10 and 400.11 to read as follows:

400.10 In an R-1, R-2, R-3, and R-4 District, a public school building or structure may be erected to a height not exceeding sixty feet (60 ft).

400.11 In an R-3, R-4, R-5-A, R-5-B, and R-5-C District, a public school building or structure may be erected to a height not exceeding ninety feet (90 ft).

2. By amending the table in § 401.3 to read as follows:

ZONE DISTRICT AND STRUCTURE	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
<u>R-1-A</u> <u>Public School</u>	<u>15,000</u>	<u>120</u>
R-1-A All <u>other</u> structures	7,500	75
<u>R-1-B</u> <u>Public School</u>	<u>15,000</u>	<u>120</u>
R-1-B All <u>other</u> structures	5,000	50
<u>R-2</u> <u>Public School</u>	<u>9,000</u>	<u>120</u>
R-2 One-family semi- detached dwelling	3,000	30

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R-2 All other structures	4,000	40
<u>R-3</u> <u>Public School</u>	<u>9,000</u>	<u>120</u>
R-3 Row dwelling	2,000	20
R-3 One-family semi-detached dwelling	3,000	30
R-3 All other structures	4,000	40
<u>R-4</u> <u>Public School</u>	<u>9,000</u>	<u>120</u>
R-4 Row dwelling and flat	1,800	18
R-4 One-family semi-detached dwelling	3,000	30
R-4 Conversion to apartment house	900/apartment or bachelor apartment	None prescribed
R-4 All other structures	4,000	40
<u>R-5-A</u> <u>Public School</u>	<u>9,000</u>	<u>120</u>
R-5-A All other structures	As prescribed by the Board pursuant to § 3104	As prescribed by the Board pursuant to § 3104
<u>R-5-B, R-5-C, R-5-D, R-5-E</u> <u>Public School</u>	<u>9,000</u>	<u>120</u>

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R-5-B, R-5-C, R-5-D, R-5-E All other structures	None prescribed	None prescribed
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3. By adding a new § 401.8 to read as follows:

401.8 For public schools minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.

4. By amending § 403.1 to read as follows:

403.1 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in §403.2; provided, that the portion of the building excluding closed courts exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and provided further, that direct pedestrian access not less than ten feet (10 ft) in width from at least two (2) public rights-of-way shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level. In the R-2, R-3, and R-4 zones, the total lot occupancy should not exceed 70 percent.